IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISIDICTION

WRIT PETITION NO.1397 OF 2004

Ramchand Raghunath Mithbavkar ..Petitioner

Vs.

Maharashtra State Road Transport Corporation ..Respondent

....

Mr.Suresh More for Petitioner
Mr.G.S.Hegde, for respondent

....

CORAM : B.H.MARLAPALLE,J.
DATE : FEBRUARY 7,2005

P.C.:

1. Heard Mr.More, the learned counsel for the petitioner who was working as a bus conductor with the respondent-corporation which is a public body. The flying squad detained his bus and carried out the search of the tickets and it was noticed that certain passengers were not issued tickets. Disciplinary enquiry was ordered and in response to the charge-sheet dated 27.3.1991, he submitted his reply and accepted the charges but pleaded for mercy. Even in spot panchnama, he had accepted that certain passengers were not issued tickets. On the basis of enquiry report submitted, he was dismissed from service. He submitted first appeal which was rejected in August, 1991 and the second appeal was also rejected on 16.7.1992. He therefore, approached the Conciliation Officer under the Industrial

Disputes Act, 1947 and his demand for reinstatement in reference was referred for adjudication in Reference (IDA) No. 30 of 1995.

2. By the first part of the Award, the learned Judge of the Labour Court held that the enquiry conducted was fair and proper and in the second Award dated 4.5.2000 which has been impugned in this petition, the Labour Court held that the charges were duly proved and his past record of service was far from being satisfactory and therefore, the punishment awarded to him, could not be called as grossly disproportionate to the charge of misconduct i.e. pilferage of public money. The Labour Court noted that the petitioner was punished in similar misconducts and he was also dismissed from service on 30.6.1983. His mercy petition was allowed by appointing him afresh as conductor on 23.2.1984 purely on humanitarian grounds. The view taken by the Labour Court is supported by the law laid down in the case of *Regional Manager, U.P.S.R.T.C. Etawah & Ors. Vs. Hoti Lal & Anr. reported in J.T. 2003 (2) S.C. 27.*

3. Petition therefore, fails and the same is rejected.

[B.H.MARLAPALLE,J.]